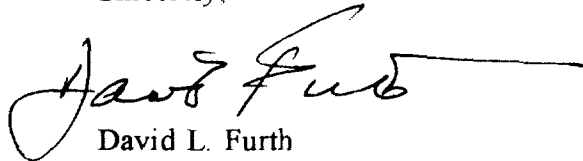


satisfies these criteria. In particular, we believe that auctions will minimize administrative or judicial delays in licensing, particularly in comparison to other licensing methods such as comparative hearings, lotteries (which are specifically prohibited by the statute if the service is auctionable), or "first-come, first-served" procedures. We note that the statute does not distinguish between new services (such as Personal Communications Services) and existing services in terms of whether initial licenses in a given service are auctionable. As noted above, however, the Commission's decision to use auctions applies only to issuance of initial licenses in the service, and is not intended to affect rights afforded to licensees under existing authorizations.

Thank you for your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Furth", with a long horizontal flourish extending to the right.

David L. Furth
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

Enclosure

J. BENNETT JOHNSTON
LOUISIANA

Mark 4/8-26/96

United States Senate

WASHINGTON, DC 20510-1802

April 1, 1996

PRP
docket
1749

Ms. Judith L. Harris
Federal Communications Commission
1919 M Street, N.W., Room 808
Washington, D.C. 20554

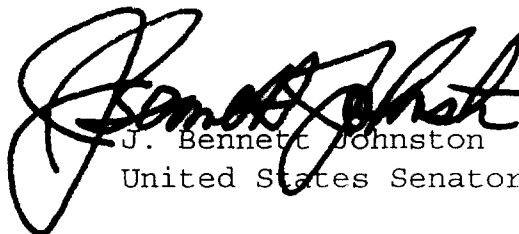
Dear Ms. Harris:

Because of my desire to be responsive to all inquiries, I respectfully request your consideration of the enclosed material.

I will appreciate your findings and views, in duplicate form, along with the return of the enclosures by May 1, 1996.

With kindest regards, I am

Sincerely,



J. Bennett Johnston
United States Senator

JBK:kib
Enclosure



BATON ROUGE / PRAIRIEVILLE
P.O. BOX 80231 / BATON ROUGE, LA. 70898-0231
BATON ROUGE (504) 348-0945 PRAIRIEVILLE (504) 873-4111

March 20, 1996

The Honorable J. Bennett Johnston
United States Senate
Washington, DC 20510

Re: FCC PR Docket No 93-144
 Redesignation of 800 MHz General
 Category Pool to Commercial Only
 Service/Proposed Implementation of
 Competitive Bidding Processes

Dear Mr. Johnston:

R. R. Cassidy, Inc. would like to express its concerns with respect to the above-referenced proceeding. The Federal Communications Commission has reallocated 150 channels in the 800 MHz band that have been shared jointly by both private and commercial licensees. The Federal Communications Commission has justified this action by claiming that the majority of the channels were used for commercial operations. We are one of more than 3,400 non-commercial licensees who would be adversely affected by this action. We do not use the spectrum to generate business revenues.

R. R. Cassidy, Inc. is a Louisiana general contractor, specializing in foundation drilling. Our company relies heavily on our 800 MHz band radio system to communicate from different jobsites. These radios are also used to maneuver personnel and equipment around large areas. These radios are not merely used as a matter of convenience, these units are required for the daily operation and safety of our crews.

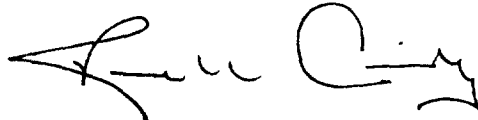
The Federal Communications Commission has not only reclassified the band for commercial use, it has also granted itself authority to conduct auctions. In essence our company, as a non-commercial entity operating a radio system in a spectrum band where there is little opportunity for mutually exclusive applications, would be federally forced into competitive bidding processes.

HONORABLE J. BENNETT JOHNSTON
UNITED STATES SENATE
MARCH 20, 1996
PAGE 2

We feel that these FCC regulatory actions seem to exceed the FCC's auction authority as set forth in the Omnibus Budget Reconciliation Act of 1993. In granting authority to the FCC to award such authorizations by auction, we understood Congress expressly limited such authority to situations involving mutually exclusive applications. Further, section 309(j)(6)(E) of the 1993 Budget Act directed the FCC to make every effort to avoid mutually exclusive situations by use of engineering solutions, such as frequency coordination. The opportunity to generate revenues was not to be used as justification for ignoring this congressional directive.

We respectfully request that you urge the FCC to reverse its recent redesignation of the 800 MHz General Category Pool. That action alone would preclude the FCC from instituting auction processes in a band that is heavily encumbered by both private and commercial licensees. We are at a loss to understand federal government action that would expose our company to having to compete for spectrum through auctions when our assigned channels were validly licensed in accordance with existing policy.

Yours truly,

A handwritten signature in black ink, appearing to read "Rand R. Cassidy", with a stylized flourish at the end.

RANDOLPH R. CASSIDY
President
R. R. Cassidy, Inc.

RRC/sld

Commercial Wireless Division

BWoolford

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